

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:13-000326-03

JOSEPH JAMES SALMONS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On March 23, 2017, the United States of America appeared by Monica D. Coleman, Assistant United States Attorney, and the defendant, Joseph James Salmons, appeared in person and by his counsel, Gary A. Collias, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Jeffrey D. Bella. The defendant commenced a three-year term of supervised release in this action on January 29, 2016, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on July 10, 2014.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by positive urine specimens submitted by him on February 1 and March 1, 2016, for buprenorphine, and the defendant's admission on each occasion that he used Suboxone and Percocet without a valid prescription; a positive urine specimen submitted by him on July 5, 2016, for heroin, methamphetamine and buprenorphine, and his admission that same date; a positive urine specimen submitted by him on July 7, 2016, for morphine, methamphetamine, amphetamine, cocaine, codeine, oxycodone and oxymorphone, and his admission on July 20, 2016, indicating that he had used heroin and crack cocaine; a positive urine specimen submitted by him on July 20, 2016, for heroin, and his admission that same date; his admission on September 6, 2016, that he had used heroin on September 4, 2016; a positive urine specimen submitted by him on September 27, 2016, for morphine; a positive urine specimen submitted by him on October 4, 2016, for buprenorphine, opiates and marijuana; a positive urine specimen submitted by him on October 12 and November 1, 2016, for morphine, and his admission that he had used heroin on October 31, 2016; a written

statement provided by him on November 17, 2016, admitting he possessed and used heroin from November 5, 2016, through November 12, 2016, while in Prestera Center's 28-day inpatient substance abuse program; a positive urine specimen submitted by him on November 17, 2016, for heroin and oxycodone, and his admission that same date that he used heroin and Roxycodone on November 16, 2016; his admission to the probation officer on December 6, 2016, that he used heroin and marijuana on December 5, 2016; a positive urine specimen submitted by him on January 3, 2017, for cocaine and heroin, and his admission that same date that he used both illegal substances on December 31, 2016; and a positive urine specimen submitted by him on January 27, 2017, for heroin and cocaine, and his admission that same date that he used both substances on or about January 26, 2017; (2) the defendant associated with a person engaged in illegal activity as evidenced by his admission to the probation officer on November 17, 2016, that he used illegal drugs with his girlfriend; (3) the defendant failed to provide urine specimens as directed during the month of June 2016; and (4) the defendant failed to participate in a substance abuse program as directed by the probation officer inasmuch as he entered Prestera Center's substance abuse detoxification and crisis unit on November 5, 2016, was transferred on November 10, 2016, to the

28-day inpatient program, and on November 16, 2016, was discharged from the program due to providing a urine specimen which tested positive for opioids, the defendant having admitted to the probation officer to using heroin from November 5 through November 12, 2016, while attending the program; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of thirty (30) months

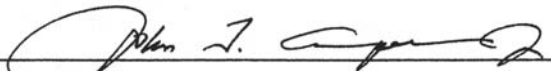
of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he participate in the residential drug treatment program at Recovery Point/Four Seasons in Bluefield, West Virginia, for a minimum period of nine months and as long as twelve months, abide by the rules and regulations of the facility and participate in drug abuse counseling and treatment as directed by the program and the probation officer.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution as close to Lincoln County, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 29, 2017

  
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John T. Copenhaver, Jr.  
United States District Judge